

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMANUEL REDDEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-238-GMS
)	
)	Jury Trial Requested
WARDEN KEARNEY, SGT. DUKES,)	
and C/O WALKER,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COMES NOW, the Defendants Warden Rick Kearney, Sergeant Wayne Dukes, and Officer Samuel Walker (the "Defendants"), by and through their undersigned counsel, and hereby move this Honorable Court (the "Motion") to enter an order, substantially in the form attached hereto, granting Defendants leave to depose Plaintiff Emanuel Redden ("Redden" or "Plaintiff"). In support of the Motion, Defendants state as follows:

1. Plaintiff, Redden is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for Defendants wishes to depose Redden as part of discovery in this case.
3. The scheduling order entered in this matter set the discovery deadline for January 19, 2007 (D.I. 13).
4. Federal Rule of Civil Procedure 30(a) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this Motion that grants Defendants'

counsel the right to depose Redden.

WHEREFORE, Defendants respectfully request that this Honorable Court enter an order, substantially in the form attached hereto, granting the Motion for Leave to Depose Plaintiff Emanuel Redden.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendants

Dated: December 20, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMANUEL REDDEN,

Plaintiff,

v.

WARDEN KEARNEY, SGT. DUKES,
and C/O WALKER,

Defendants.

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ORDER

Upon Defendants' Motion For Leave To Depose Plaintiff (the "Motion");
and it appearing that good and sufficient notice of the Motion has been given; and after
due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. Defendants are granted leave to depose the Plaintiff in this matter.

SO ORDERED this _____ day of _____, 2006.

The Honorable Gregory M. Sleet
United States District Court Judge

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7.1.1 CERTIFICATE OF COUNSEL

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District Court of Delaware, that she is, as a practical matter, unable to discuss the subject of this Motion with the Plaintiff because the Plaintiff is an incarcerated inmate in a prison. Defense counsel assumes that the Plaintiff opposes the Motion.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendants

Dated: December 20, 2006

CERTIFICATE OF SERVICE

I, Erika Y. Tross, Esq., hereby certify that on December 20, 2006, I caused a true and correct copy of the attached *Defendants' Motion For Leave To Depose Plaintiff* to be served on the following individual in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT:

Inmate Emanuel Redden
SBI #00092507
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Erika Y. Tross
Erika Y. Tross (#4506)
Deputy Attorney General
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